

Calendar No. 70

111TH CONGRESS
1ST SESSION

S. 407

[Report No. 111-24]

To increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2009

Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. BURRIS, Mr. SPECTER, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNES, Mr. GRAHAM, Mr. LAUTENBERG, Mrs. LINCOLN, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JUNE 4, 2009

Reported by Mr. AKAKA, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Compensa-
 5 tion Cost-of-Living Adjustment Act of 2009”.

6 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSA-**
 7 **TION AND DEPENDENCY AND INDEMNITY**
 8 **COMPENSATION.**

9 (a) **RATE ADJUSTMENT.**—Effective on December 1,
 10 2009, the Secretary of Veterans Affairs shall increase, in
 11 accordance with subsection (c), the dollar amounts in ef-
 12 fect on November 30, 2009, for the payment of disability
 13 compensation and dependency and indemnity compensa-
 14 tion under the provisions specified in subsection (b):

15 (b) **AMOUNTS TO BE INCREASED.**—The dollar
 16 amounts to be increased pursuant to subsection (a) are
 17 the following:

18 (1) **WARTIME DISABILITY COMPENSATION.**—
 19 Each of the dollar amounts under section 1114 of
 20 title 38, United States Code:

21 (2) **ADDITIONAL COMPENSATION FOR DEPEND-**
 22 **ENTS.**—Each of the dollar amounts under section
 23 1115(1) of such title:

24 (3) **CLOTHING ALLOWANCE.**—The dollar
 25 amount under section 1162 of such title:

1 (4) ~~DEPENDENCY AND INDEMNITY COMPENSA-~~
 2 ~~TION TO SURVIVING SPOUSE.~~—Each of the dollar
 3 amounts under subsections (a) through (d) of sec-
 4 tion 1311 of such title.

5 (5) ~~DEPENDENCY AND INDEMNITY COMPENSA-~~
 6 ~~TION TO CHILDREN.~~—Each of the dollar amounts
 7 under sections 1313(a) and 1314 of such title.

8 (c) ~~DETERMINATION OF INCREASE.~~—

9 (1) ~~PERCENTAGE.~~—Except as provided in para-
 10 graph (2), each dollar amount described in sub-
 11 section (b) shall be increased by the same percentage
 12 as the percentage by which benefit amounts payable
 13 under title II of the Social Security Act (42 U.S.C.
 14 401 et seq.) are increased effective December 1,
 15 2009, as a result of a determination under section
 16 215(i) of such Act (42 U.S.C. 415(i)).

17 (2) ~~ROUNDING.~~—Each dollar amount increased
 18 under paragraph (1), if not a whole dollar amount,
 19 shall be rounded to the next lower whole dollar
 20 amount.

21 (d) ~~SPECIAL RULE.~~—The Secretary of Veterans Af-
 22 fairs may adjust administratively, consistent with the in-
 23 creases made under subsection (a), the rates of disability
 24 compensation payable to persons under section 10 of Pub-
 25 lic Law 85–857 (72 Stat. 1263) who have not received

1 compensation under chapter 11 of title 38, United States
2 Code.

3 (c) ~~PUBLICATION OF ADJUSTED RATES.~~—The Sec-
4 retary of Veterans Affairs shall publish in the Federal
5 Register the amounts specified in subsection (b), as in-
6 creased under subsection (a), not later than the date on
7 which the matters specified in section 215(i)(2)(D) of the
8 Social Security Act (42 U.S.C. 415(i)(2)(D)) are required
9 to be published by reason of a determination made under
10 section 215(i) of such Act during fiscal year 2010.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Veterans’ Compensation*
13 *Cost-of-Living Adjustment Act of 2009”.*

14 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION**
15 **AND DEPENDENCY AND INDEMNITY COM-**
16 **PENSATION.**

17 (a) *RATE ADJUSTMENT.*—Effective on December 1,
18 2009, the Secretary of Veterans Affairs shall increase, in
19 accordance with subsection (c), the dollar amounts in effect
20 on November 30, 2009, for the payment of disability com-
21 pensation and dependency and indemnity compensation
22 under the provisions specified in subsection (b).

23 (b) *AMOUNTS TO BE INCREASED.*—The dollar
24 amounts to be increased pursuant to subsection (a) are the
25 following:

1 (1) *WARTIME DISABILITY COMPENSATION.*—*Each*
 2 *of the dollar amounts under section 1114 of title 38,*
 3 *United States Code.*

4 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
 5 *ENTS.*—*Each of the dollar amounts under section*
 6 *1115(1) of such title.*

7 (3) *CLOTHING ALLOWANCE.*—*The dollar amount*
 8 *under section 1162 of such title.*

9 (4) *DEPENDENCY AND INDEMNITY COMPENSA-*
 10 *TION TO SURVIVING SPOUSE.*—*Each of the dollar*
 11 *amounts under subsections (a) through (d) of section*
 12 *1311 of such title.*

13 (5) *DEPENDENCY AND INDEMNITY COMPENSA-*
 14 *TION TO CHILDREN.*—*Each of the dollar amounts*
 15 *under sections 1313(a) and 1314 of such title.*

16 (c) *DETERMINATION OF INCREASE.*—

17 (1) *PERCENTAGE.*—*Except as provided in para-*
 18 *graph (2), each dollar amount described in subsection*
 19 *(b) shall be increased by the same percentage as the*
 20 *percentage by which benefit amounts payable under*
 21 *title II of the Social Security Act (42 U.S.C. 401 et*
 22 *seq.) are increased effective December 1, 2009, as a re-*
 23 *sult of a determination under section 215(i) of such*
 24 *Act (42 U.S.C. 415(i)).*

1 (2) *ROUNDING.*—*Each dollar amount increased*
 2 *under paragraph (1), if not a whole dollar amount,*
 3 *shall be rounded to the next lower whole dollar*
 4 *amount.*

5 (d) *SPECIAL RULE.*—*The Secretary of Veterans Affairs*
 6 *may adjust administratively, consistent with the increases*
 7 *made under subsection (a), the rates of disability compensa-*
 8 *tion payable to persons under section 10 of Public Law 85–*
 9 *857 (72 Stat. 1263) who have not received compensation*
 10 *under chapter 11 of title 38, United States Code.*

11 (e) *PUBLICATION OF ADJUSTED RATES.*—*The Sec-*
 12 *retary of Veterans Affairs shall publish in the Federal Reg-*
 13 *ister the amounts specified in subsection (b), as increased*
 14 *under subsection (a), not later than the date on which the*
 15 *matters specified in section 215(i)(2)(D) of the Social Secu-*
 16 *rity Act (42 U.S.C. 415(i)(2)(D)) are required to be pub-*
 17 *lished by reason of a determination made under section*
 18 *215(i) of such Act during fiscal year 2010.*

19 **SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUST-**
 20 **MENT IN RATES OF DISABILITY COMPENSA-**
 21 **TION AND DEPENDENCY AND INDEMNITY**
 22 **COMPENSATION.**

23 (a) *VETERANS' DISABILITY COMPENSATION.*—*Section*
 24 *1114 of title 38, United States Code, is amended—*

1 (1) in subsection (a), by striking “\$117” and in-
2 serting “\$123”;

3 (2) in subsection (b), by striking “\$230” and in-
4 serting “\$243”;

5 (3) in subsection (c), by striking “\$356” and in-
6 serting “\$376”;

7 (4) in subsection (d), by striking “\$512” and in-
8 serting “\$541”;

9 (5) in subsection (e), by striking “\$728” and in-
10 serting “\$770”;

11 (6) in subsection (f), by striking “\$921” and in-
12 serting “\$974”;

13 (7) in subsection (g), by striking “\$1,161” and
14 inserting “\$1,228”;

15 (8) in subsection (h), by striking “\$1,349” and
16 inserting “\$1,427”;

17 (9) in subsection (i), by striking “\$1,517” and
18 inserting “\$1,604”;

19 (10) in subsection (j), by striking “\$2,527” and
20 inserting “\$2,673”;

21 (11) in subsection (k)—

22 (A) by striking “\$91” both places it appears
23 and inserting “\$96”; and

24 (B) by striking “\$3,145” and “\$4,412” and
25 inserting “\$3,327” and “\$4,667”, respectively;

1 (12) in subsection (l), by striking “\$3,145” and
2 inserting “\$3,327”;

3 (13) in subsection (m), by striking “\$3,470” and
4 inserting “\$3,671”;

5 (14) in subsection (n), by striking “\$3,948” and
6 inserting “\$4,176”;

7 (15) in subsections (o) and (p), by striking
8 “\$4,412” each place it appears and inserting
9 “\$4,667”;

10 (16) in subsection (r), by striking “\$1,893” and
11 “\$2,820” and inserting “\$2,002” and “\$2,983”, re-
12 spectively; and

13 (17) in subsection (s), by striking “\$2,829” and
14 inserting “\$2,993”.

15 (b) *ADDITIONAL COMPENSATION FOR DEPENDENTS.*—

16 Section 1115(1) of such title is amended—

17 (1) in subparagraph (A), by striking “\$142” and
18 inserting “\$150”;

19 (2) in subparagraph (B), by striking “\$245” and
20 “\$71” and inserting “\$259” and “\$75”, respectively;

21 (3) in subparagraph (C), by striking “\$96” and
22 “\$71” and inserting “\$101” and “\$75”, respectively;

23 (4) in subparagraph (D), by striking “\$114”
24 and inserting “\$120”;

1 (5) in subparagraph (E), by striking “\$271”
2 and inserting “\$286”; and

3 (6) in subparagraph (F), by striking “\$227” and
4 inserting “\$240”.

5 (c) *CLOTHING ALLOWANCE FOR CERTAIN DISABLED*
6 *VETERANS.*—Section 1162 of such title is amended by strik-
7 ing “\$677” and inserting “\$716”.

8 (d) *DEPENDENCY AND INDEMNITY COMPENSATION FOR*
9 *SURVIVING SPOUSES.*—

10 (1) *NEW LAW DIC.*—Section 1311(a) of such title
11 is amended—

12 (A) in paragraph (1), by striking “\$1,091”
13 and inserting “\$1,154”; and

14 (B) in paragraph (2), by striking “\$233”
15 and inserting “\$246”.

16 (2) *OLD LAW DIC.*—The table in paragraph (3)
17 of such section is amended to read as follows:

<i>“Pay grade</i>	<i>Monthly rate</i>	<i>Pay grade</i>	<i>Monthly rate</i>
<i>E-1</i>	\$1,154	<i>W-4</i>	\$1,380
<i>E-2</i>	\$1,154	<i>O-1</i>	\$1,219
<i>E-3</i>	\$1,154	<i>O-2</i>	\$1,260
<i>E-4</i>	\$1,154	<i>O-3</i>	\$1,347
<i>E-5</i>	\$1,154	<i>O-4</i>	\$1,427
<i>E-6</i>	\$1,154	<i>O-5</i>	\$1,571
<i>E-7</i>	\$1,194	<i>O-6</i>	\$1,771
<i>E-8</i>	\$1,260	<i>O-7</i>	\$1,912
<i>E-9</i>	\$1,314 ¹	<i>O-8</i>	\$2,100
<i>W-1</i>	\$1,219	<i>O-9</i>	\$2,246
<i>W-2</i>	\$1,267	<i>O-10</i>	\$2,463 ²
<i>W-3</i>	\$1,305		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,419.

² If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,643.”.

1 (3) *ADDITIONAL DIC FOR CHILDREN OR DIS-*
 2 *ABILITY.*—Section 1311 of such title is amended—

3 (A) in subsection (b), by striking “\$271”
 4 and inserting “\$286”;

5 (B) in subsection (c), by striking “\$271”
 6 and inserting “\$286”; and

7 (C) in subsection (d), by striking “\$128”
 8 and inserting “\$135”.

9 (e) *DEPENDENCY AND INDEMNITY COMPENSATION FOR*
 10 *CHILDREN.*—

11 (1) *DIC WHEN NO SURVIVING SPOUSE.*—Section
 12 1313(a) of such title is amended—

13 (A) in paragraph (1), by striking “\$462”
 14 and inserting “\$488”;

15 (B) in paragraph (2), by striking “\$663”
 16 and inserting “\$701”;

17 (C) in paragraph (3), by striking “\$865”
 18 and inserting “\$915”; and

19 (D) in paragraph (4), by striking “\$865”
 20 and “\$165” and inserting “\$915” and “\$174”,
 21 respectively.

22 (2) *SUPPLEMENTAL DIC FOR CERTAIN CHIL-*
 23 *DREN.*—Section 1314 of such title is amended—

24 (A) in subsection (a), by striking “\$271”
 25 and inserting “\$286”;

1 (B) in subsection (b), by striking “\$462”
 2 and inserting “\$488”; and

3 (C) in subsection (c), by striking “\$230”
 4 and inserting “\$243”.

5 (f) *DEPENDENCY AND INDEMNITY COMPENSATION PAY-*
 6 *ABLE TO PARENTS.*—Section 1315 is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1), by striking “\$163”
 9 and inserting “\$569”; and

10 (B) in paragraph (3), by striking “\$4,038”
 11 and inserting “\$13,456”;

12 (2) in subsection (c)—

13 (A) in paragraph (1), by striking “\$115”
 14 and inserting “\$412”; and

15 (B) in paragraph (3), by striking “\$4,038”
 16 and inserting “\$13,456”;

17 (3) in subsection (d)—

18 (A) in paragraph (1), by striking “\$109”
 19 and inserting “\$387”; and

20 (B) in paragraph (3), by striking “\$5,430”
 21 and inserting “\$18,087”; and

22 (4) in subsection (g), by striking “\$85” and in-
 23 serting “\$308”.

24 (g) *EFFECTIVE DATE.*—The amendments made by this
 25 section shall take effect on December 1, 2008.

Amend the title so as to read: “A Bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.”.

Calendar No. 70

11TH CONGRESS
1ST Session

S. 407

[Report No. 111-24]

A BILL

To increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

JUNE 4, 2009

Reported with an amendment and an amendment to the title